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Nixon & Vanderhye PC
ATTORNEYS AT LAW

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4057

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ATTACHMENT/S:

1. Reply Brief (4 Pages).

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Office via

Date: March 17, 2004

By: [Signature]

Willem F. Gadiano, Registration No. 37,136

PATENT

In re Application of

Marc J. MCKENNON, et al.

Confirmation No.: 5034

Application No.: 09/859,503

Group Art Unit: 1624

Filed: May 18, 2001

Examiner: M. Berch

For: PYRIDOPYRIMIDINE COMPOUNDS AND THEIR USES

REPLY BRIEF

Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Examiner's Answer dated January 12, 2004, Appellants respectfully submit this Reply Brief along with an Amendment concurrently filed herewith.

ARGUMENT

Enablement of Assay Method Claims 19-25 Issue

Claims 19-25 stand rejected under 35 U.S.C. § 112, first paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the

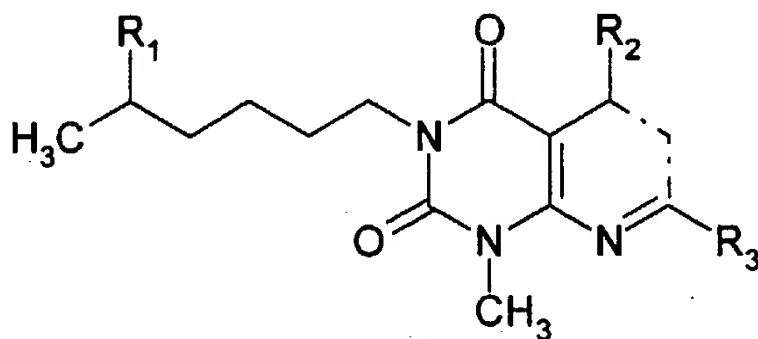
Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment canceling claims 19-25. This rejection is moot.

Enablement To Make Solvates Issue

Claims 1-36 stand rejected under 35 U.S.C. § 112, first paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment deleting the term "solvates" in the claims. This rejection is moot.

The New Matter Issue

Claims 1, 2 and 18-37 stand rejected under 35 U.S.C. § 112, first paragraph, allegedly because the Examiner believes the second formula in claim 1 lacks description. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants concurrently submit an Amendment deleting the following formula in the claims:



This rejection is moot.

The "Determining" Issue

Claims 19-25 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment canceling claims 19-25. This rejection is moot.

The "Cellular Process Or Activity" Issue

Claims 19-27 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment deleting "cellular process or activity" in the claims. This rejection is moot.

The Scope Of Claims 23 And 24

Claims 23 and 24 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment canceling claims 23 and 24. This rejection is moot.

The "Thioalkyl" Issue

Claims 1-7 and 18-36 stand rejected under 35 U.S.C. § 112, second paragraph. Solely in an effort to advance prosecution and without acquiescing in the legality of the reasons proffered

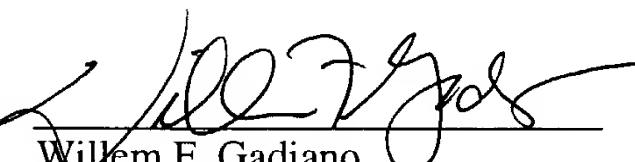
by the Examiner in support of this maintained rejection, Appellants have concurrently submitted an Amendment deleting "thioalkyl" in the claims. This rejection is moot.

CONCLUSION

In view of the foregoing reasons and the Amendment concurrently filed herewith, Appellants respectfully request that all claim rejections be withdrawn. Appellants hereby reserve the right to file continuing applications for any canceled claim or deleted subject matter.

Please grant any extensions of time deemed necessary. The Commissioner is hereby authorized to charge any deficiency in the small-entity fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. 14-1140.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: 
Willem F. Gadiano
Reg. No. 37,136

WFG:ewm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000

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Date: March 12, 2004

By: 

Willem F. Gadiano, Registration No. 37,136